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THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL  
7 SALES, INC., BANANA REPUBLIC, LLC, AND OLD NAVY,  
LLC

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 ROOTS READY MADE GARMENTS CO.  
13 W.L.L.,

14 Plaintiff,

15 v.

16 THE GAP, INC., a/k/a, GAP, INC., GAP  
INTERNATIONAL SALES, INC., BANANA  
17 REPUBLIC, LLC, AND OLD NAVY, LLC

18 Defendants.

Case No. C 07-03363 CRB

**DECLARATION OF ROSE DARLING IN  
SUPPORT OF DEFENDANTS' MOTION  
FOR PROTECTIVE ORDER**

Date: July 11, 2008  
Time: 10:00 a.m.  
Dept: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Honorable Charles R. Breyer

1           1.       I am an attorney licensed to practice law in the State of California and before this  
2 Court and am an associate at Kecker & Van Nest, LLP, counsel for defendants The Gap, Inc.,  
3 a/k/a, Gap, Inc., Gap International Sales, Inc., Banana Republic, LLC, and Old Navy, LLC  
4 (collectively “Gap”).

5           2.       On May 21, 2008, Roots served Gap with a notice of deposition for Donald  
6 Fisher, Gap’s founder and former CEO and Chairman. Attached hereto as **Exhibit A** is Mr.  
7 Fisher’s deposition notice.

8           3.       Donald Fisher, age 79, is the founder of Gap Inc. He is Chairman Emeritus and a  
9 director of Gap Inc. He served as Gap’s Chief Executive Officer from 1969 to 1995, and  
10 Chairman of the Board from 1969 to 2004. Attached hereto as **Exhibit B** is a true and correct  
11 copy of a printout from  
12 [http://www.forbes.com/finance/mktguideapps/personinfo/FromMktGuideIdPersonTearsheet.jht](http://www.forbes.com/finance/mktguideapps/personinfo/FromMktGuideIdPersonTearsheet.jhtml?passedMktGuideId=21360)  
13 [ml?passedMktGuideId=21360](http://www.forbes.com/finance/mktguideapps/personinfo/FromMktGuideIdPersonTearsheet.jhtml?passedMktGuideId=21360) , which identifies Mr. Fisher’s roles at Gap.

14           4.       On May 23, 2008, I sent a letter to Roots’ counsel requesting that Roots withdraw  
15 its notice to Mr. Fisher. A true and correct copy of my letter is attached hereto as **Exhibit C**. In  
16 that letter, I told Roots that Mr. Fisher has no relevant knowledge of Gap’s business with Roots.

17           5.       On June 12, 2008, I received a letter from Roots’ counsel, Brad Nash. In that  
18 letter, Mr. Nash incorrectly claimed that Mr. Fisher was “personally involved in Gap’s  
19 relationship with Roots.” In particular, he stated that Roots wished to depose Mr. Fisher based  
20 on a brief conversation that took place when Roots’ CEO Ashraf Abu Issa was introduced to Mr.  
21 Fisher. Based on that inconsequential meeting, Mr. Nash claimed that Mr. Fisher had knowledge  
22 of “the success of Roots’ ISP operations in Qatar and the UAE, and the future business  
23 relationship between Roots and Gap.” A true and correct copy of Mr. Nash’s June 12 letter is  
24 attached hereto as **Exhibit D**.

25           6.       Despite the fact that Mr. Fisher has no relevant personal knowledge about Roots’  
26 business with Gap or the facts at issue in this case, Roots refused to withdraw Mr. Fisher’s  
27 deposition notice. Gap was thus forced to bring a motion for protective order. The parties  
28 agreed on a shortened briefing schedule for this motion.

